

United States District court
For The state of Massachusetts

U.S. District court C.A. 04-12199-MLW
Richard Lawson. (Plaintiff)

Vs.
Robert Keaton, (et.al) 3 other A.D.A's (Respondants)

Plaintiffs motion in opposition of Respondants
motion to Dismiss the plaintiffs complaint

1. Introduction

As to Respondant Robert Cosgroves motion
To Dismiss plaintiffs varified civil complaint.

Mr Cosgrove Argues The 11 Amendment
U.S.C.A. bars the claims against him & (2) He
is not a "person" within the meaning of
42 U.S.C.A. § 1983 and thus cannot be sued
under that statute (3) Cosgrove Argues that he
is an assistant district attorney and is entitled
to both absolute and qualified immunity, and
consequently cosgrove should be dismissed from
this litigation with prejudice.

2. Argument of Laws

A State Law that immunizes government conduct otherwise subject to suit under 42 U.S.C.A. § 1983 is preempted Felder v. Casey, 487 U.S. 131 \ 108 S.Ct. 2302 ().

3. section 42 U.S.C.A. § 1983 is not itself a source of substantive rights "but merely provides a method for vindicating federal rights elsewhere conferred Baker v. McCollan 443 U.S. 137-144 [N-3] \ 99 S.Ct. 2689-2694 [N-3] (1979).

4. The First step in any such claim under sec. 1983 is to Identify the specific Constitutional right, privilege or Immunity Allegedly infringed upon Graham v. Connor, 490 U.S. 386 \ 109 S.Ct 1865-1870 (1989) and Baker Vs. McCollan (supra) at 443 U.S. At 140 & 99 S.Ct 2692.

5. The Fourteenth amendment U.S.C.A. Confers both substantive and procedural Rights under The due-process of Law clause along with the 5th amendment U.S.C.A. U.S. V. Salerno 481 U.S. 739 \ 107 S.Ct. 2095 (1987); & Daniels V. Williams; 474 U.S. 327-331 \ 106 S.Ct. 662 (1986) Collins V. Harker Heights 503 U.S. 115

112 S.Ct. 1061 (1992); 114 S.Ct. 807 at 812 [N-4-5] (1994).

6. Where a particular Amendment provides an explicit textual source of constitutional protection against a particular sort of governmental behavior, that amendment, not the generalized notion of substantive due-process of Law "must" be the guide for analyzing those claims, Graham v. Connor 490 U.S. 386-394 1109 S.Ct. 1865-1870 (1989) at 114 S.Ct. 813 note 6 (1994).

7. The Supreme Court for the United States has held that local government can be sued directly under 42 U.S.C.A. § 1983 for monetary declaratory or injunctive relief, where the action that alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation or decision officially adopted and promulgated by that body's officers, Manuel v. Department of social services of N.Y. 429 U.S. 1071 97 S.Ct. 807

8. Article 6, clause 2 preemption doctrine, supremacy clause over Trumps All Amendments. Stating this constitution, and the Laws of the United States which shall be made in pursuance

Thereof: And All Treaties made, or which shall be made under the Authority of the United States, shall be the Supreme Law of the Land; And the Judges in every state shall be bound thereby, anything in the Constitution or Laws of any state to the contrary notwithstanding.

9. Amendment X The powers not delegated to the United States by the Constitution nor prohibited by it to the states are reserved to the states respectively or to the people.

10. The V amendment in part, clause 4 due-process nor be deprived of Life Liberty or property without due-process of Law.

11. The 14th amendment U.S.C.A. section I;
All persons born or naturalized in the United States, and subject to the Jurisdiction thereof, Are "citizens" of the United States and of the state wherein they reside. In part, nor shall any state deprive any person of Life, Liberty or property without due-process of Law. In part, nor deny any person within its Jurisdiction the equal protection of the Laws.

Argument

12. The plaintiff Alleges the conduct of respondents specifically respondent Casgrove was knowingly in Bad Faith and which conduct violated plaintiff Constitutional right to be free from Arbitrary & capricious Law enforcement as guaranteed protection by the 5th & 14th amendment due-process of substantive due process of Law clause made applicable upon the states, see supra paragraph (4, & 5.)

Facts in support

13. In 10-25-1993 The Norfolk County grand Jury returned in pertinent part Indictments 1993-96977 charging B+E in the day time with intent to commit a misdemeanor and "2" Breaking & Entering in the "Night Time ~~in~~ with intent to commit Felony Indictment #96978 Both prosecuted by Respondent P. Casey.

15. In 10-4-94 The plaintiff plead guilty to an 8 To 10 years Term split with 5 years to serve.

16. In 4-28-97 Plaintiff was released on the split Half of the 8 To 10, 5 years to serve.

17. In 6-11-97 A Default warrant was issued for The plaintiff for failure to report to probation.

18. ON 9-25-97 Default was removed capias withdrawn and plaintiff was held in lieu of Bail.
19. ON 6-2-98 Norfolk Superior court held a final Probation revocation Hearing and found plaintiff in violation of His probation Terms & Condition on Indictment 96977 which was the only Indictment presented. and Invoked the remainder of the 8 to 10 year sentence with Jail credits included.
20. ON 6-29-98 A Notice of appeal was filed.
21. ON 7-7-98 A motion to withdraw counsel & reappoint Appellate counsel was filed.
22. ON 7-7-98 Justice Dorch Okara Appointed Appellate counsel Larry Colby.
23. ON 7-31-98 The Transcript of the probation revocation Hearing was Transcribed and delivered to Attorney Larry Colby.
23. Notice of Assembly of the record was filed. ON 11-20-98
24. 6-3-1999 MASSachusetts Appeals court Reversed The 6-2-98 Probation revocation Hearing finding That Indictment 96977 was Time served on Account it was a misdemeanor.
25. The Clerks filed An Amended writimus to Keep me Imprisoned on Indictment (96978).

26. On 7-23-99 Attorney Larry Colby filed a motion to release plaintiff from Unlawful restraint pursuant to MASS. R. Crim. P 30A.

27. A Hearing was conducted in Norfolk Superior court where A.D.A. Robert Cosgrove defended for the government and defended the government stating he doesn't come to the Hearing with clean hands, because he confessed error to the appeals court, that Indictment 96977 was a misdemeanor. Subsequently the court denied the motion and the clerk held me on the Amended mittimus.

28. Robert Cosgrove simply had to say your Honor Indictment 96978 was never presented before the court on 6-2-98 Probation Revocation Hearing and the court would have allowed the motion, but not for bad faith presentation to simply confess error, I had to serve 3 1/2 more years imprisoned a loss of Liberty without due substantive due-process of Law amounting to Arbitrary and capricious Law enforcement, and a knowing in Bad faith of respondent Cosgroves failure to seek the truth in prosecuting a case, an integral part of a prosecutors oath of office is respondents failure to inform the court that the plaintiff was never surrendered for

Indictment 96978 and only 96977 The misdemeanor Indictment which was reversed by the appeals court. #. 00-503

29. The prosecutor Robert Casgrove has the oath and obligation to file for A new probation revocation proceeding against the plaintiff in Indictment 96978 Instead of Amending A mittimus which deprived the plaintiff of his Liberty without due-process of Law under Commonwealth V. Durling 407 MASS. 108 551 N.E.2d 1193 (1990) quoting BAGNON V. SCARPELLI 411 U.S. 778 193 S.Ct. 1756 (1973)... The due process required to revoke a probationers probation in accordance with procedural due-process of Law.

30. The prosecution was required by the above case Law to begin new proceedings before denying plaintiff Liberty without due-process

31. The Massachusetts Appeals court in 00-503 made mention as to what the Lower court was Left to Do. They made a tactical choice to Keep me Incarcerated by Amending a mittimus without court Order; All While Knowing the same to be erroneous and illegal.

32 Once the Rule 30A Release From unlawfull restraint Hearing commenced the assistant district Attorney respondent Robert Cosgrove decided to not inform the court About the illegal writtimus ~~holding~~ plaintiff against his Liberty without due-process of Law-see Argument of Laws, AND continue the sham before the court

33. When an officer of the court Acts under Color of Law who normally would have Immunity and goes hay wire and covers up a sham on the court he 'gives up the right' to claim Immunity for his 'knowing or should have known' acts in a civil proceeding (see Paragraph 6 and 7) This officer respondent cosgrove confessed error on appeal and after appeal said he doesn't come to the court with clean hands. Is a clear indication he had knowledge and power to change the course of the proceedings yet he chose not to Act, that failure to Act is Lack of Duty, in Bad faith negligence.

34 Immunity is preempted in such circumstances (see paragraph 2) *Felder V Casey*, 487 U.S. 131 108 S.Ct. 2302.

35. Respondant claims he is not a "person" within the meaning of 42 U.S.C.A. § 1983 and thus cannot be sued under that statute.

36. Plaintiff claims "he" is a United States citizen, being sued for violation of Constitutional specified due-substantive and procedural due process rights belonging to the plaintiff under the United States Constitution, and Respondent is a officer of the state government acting under color of Law and is a United States citizen residing in the same state as the plaintiff and may be sued. See paragraph 2 Through 8 (Supra). The 6 Article CLAW 2 & 3 Guarantee reinforcement of All Laws made under the United States therefore preempting the respondents claim both (1) As to him not being a person within 42 U.S.C.A. § 1983 and under any 11 amendment claims, because its preempted and due to the egregious conduct of Respondants. and because the 11 amendment does not preclude a citizen of the same state as Respondant to bring suit.

37 42 U.S.C.A. is not itself a source of substantive rights "but merely provides a method for vindicating federal rights elsewhere conferred *Baker v. McCollan*, 443 U.S. 137-144 At IV-37 99 S. Ct. 2689-2694 [N-3].

38 The U.S. Marshall Returned service indicating ~~peter~~ Casey retired from the Norfolk D.A. office. As well as Robert Keaton was not at that address Along with William Keaton.

39. Conclusion

40. The plaintiff Has clarified the controversy; and moves the court to Dismiss the Respondants motion to Dismiss. The Facts above are True under penalties of perjury
date 12/29/05

Respectfully Submitted
Richard Glawson
Richard Glawson
20 Administration rd
Bridgewater, MA. 02324

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RICHARD D. GLAWSON
Plaintiff,

V.

ROBERT KEATON, et al
Defendants

Civil Action No. 04-12199-MLW

DEFENDANT ROBERT COSGROVE'S
MOTION TO DISMISS

Defendant Robert Cosgrove respectfully requests that the Court dismiss him from this lawsuit. Cosgrove must be dismissed from this suit because (1) the Eleventh Amendment bars the claims against him; (2) he is not a “person” within the meaning of 42 U.S.C. § 1983, and thus cannot be sued under that statute; and (3) Cosgrove, an assistant district attorney, is entitled to both absolute and qualified immunity. Consequently, Cosgrove should be dismissed from this litigation with prejudice. In support of his motion, Cosgrove relies on the memorandum of law submitted herewith.

WHEREFORE, this motion should be allowed and an order should issue dismissing Cosgrove from this lawsuit with prejudice.

Respectfully submitted,
THOMAS F. REILLY
ATTORNEY GENERAL

/s/ Susanne G. Reardon
Susanne G. Reardon
Assistant Attorney General
Criminal Bureau
One Ashburton Place
Boston, Massachusetts 02108
(617) 727-2200
BBO No. 561669

December 21, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the attached documents was served upon petitioner, Richard Glawson, pro se, 20 Administration Road, Bridgewater, MA 02324, by first class mail, postage pre-paid, on December 21, 2005.

/s/ Susanne G. Reardon
Susanne G. Reardon
Assistant Attorney General

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF <i>Richard Chavira</i>	COURT CASE NUMBER <i>10:4-cv-12199-MLW</i>
DEFENDANT <i>Robert C. Conner</i>	TYPE OF PROCESS <i>CIVIL SERVICE</i>

SERVE ➔ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <i>Assistant Attorney General</i>
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <i>45 Stewart Ave. Canton, MA 02021-580</i>

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW: <i>Richard Chavira</i> <i>20 Administration Rd</i> <i>Wilmington, MA 01897</i>	Number of process to be served with this Form - 285 <i>1</i>
	Number of parties to be served in this case <i>4</i>
	Check for service on U.S.A. <i>10/31/05</i>

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Assistant Attorney General

Signature of Attorney or other Originator requesting service on behalf of: <i>Richard Chavira</i>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER <i>—</i>	DATE <i>11/1/05</i>
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <i>1</i>	District of Origin No. <i>38</i>	District to Serve No. <i>38</i>	Signature of Authorized USMS Deputy or Clerk <i>Rosemary Delaney</i>	Date <i>10/31/05</i>
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I hereby certify and return that I ☐ have personally served, ☒ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above) <i>FATH Calabrese</i>	<input checked="" type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service <i>11/17/05</i> Time <i>2:00</i> pm
	Signature of U.S. Marshal or Deputy <i>—</i>

Service Fee <i>67.50</i>	Total Mileage Charges (including endeavors) <i>12.41</i>	Forwarding Fee <i>—</i>	Total Charges <i>79.91</i>	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

NOTE

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF <i>Richard Glover</i>	COURT CASE NUMBER <i>107-2V-1-11111111</i>
DEFENDANT <i>P. Casey and K County, Arkansas</i>	TYPE OF PROCESS <i>Civil service</i>

SERVE ➔ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <i>45 Strained Ave. Center Mass. 02021-380</i>

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW: <i>Richard Glover</i> <i>as administrator of</i> <i>Pemberton, Ark. 02021</i>	Number of process to be served with this Form - 285 <i>1</i>
	Number of parties to be served in this case <i>4</i>
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

The child is in the custody of the
Assistant Attorney General

Signature of Attorney or other Originator requesting service on behalf of:

☐ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <i>1</i>	District of Origin No. <i>38</i>	District to Serve No. <i>38</i>	Signature of Authorized USMS Deputy or Clerk <i>Nancy Delaney</i>	Date <i>10/31/05</i>
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above) <i>Katrina</i>	
Date of Service <i>11/12</i>	Time <i>5</i> am <i>pm</i>
Signature of U.S. Marshal or Deputy <i>[Signature]</i>	

Service Fee <i>67.50</i>	Total Mileage Charges (including endeavors) <i>—</i>	Forwarding Fee <i>—</i>	Total Charges <i>67.50</i>	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

(Returned to 1-800-455-5866)

NOTEPRIOR EDITIONS
MAY BE USED**3. NOTICE OF SERVICE**

FORM USM-285 (Rev. 12/15/80)

UNITED STATES DISTRICT COURT

District of

Massachusetts

Richard D. Glawson,
Plaintiff,

V.

Robert Keaton, et al.,
Defendants

SUMMONS IN A CIVIL CASE

CASE NUMBER: C.A. No. 04-12199-MLW

TO: (Name and address of Defendant)

P. Casey
45 Shannett Ave.
Canton, MA 02021

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Richard D. Glawson, pro se
30 Administration Road
Bridgewater, MA 02324

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Sarah A. Thornton

CLERK

(By) DEPUTY CLERK

9/29/05

DATE

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF	<i>Richard Glavin</i>	COURT CASE NUMBER	<i>10-4-LV-12199 MLW</i>
DEFENDANT	<i>William R. Keaton Ex Attorney General</i>	TYPE OF PROCESS	<i>Civil Service</i>
SERVE ➔ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <i>45 Orchard Ave, Canton, MA 02021-286</i>		

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Richard Glavin
20 Adams Street
Canton, MA 02024

Number of process to be served with this Form - 285

1

Number of parties to be served in this case

4

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Notice to be served by mail

Fold

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

*10/1/05***SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <i>1</i>	District of Origin No. <i>38</i>	District to Serve No. <i>28</i>	Signature of Authorized USMS Deputy or Clerk <i>Nancy J. L...</i>	Date <i>10/1/05</i>
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service <i>11/1/05</i>	Time <i>10:00</i> am
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Signature of U.S. Marshal or Deputy

Service Fee <i>67.50</i>	Total Mileage Charges (including endeavors) <i>12.91</i>	Forwarding Fee	Total Charges <i>79.91</i>	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

*Notice to be served by mail***NOTE**

UNITED STATES DISTRICT COURT

District of

Massachusetts

Richard D. Glawson,
Plaintiff,

V.

Robert Keaton, et al.,
Defendants

SUMMONS IN A CIVIL CASE

CASE NUMBER: C.A. No. 04-12199-MLW

TO: (Name and address of Defendant)

William R. Keaton
45 Shawmut Ave.
Canton, MA 02021

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Richard D. Glawson, pro se
20 Administration Road
Bridgewater, MA 02324

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Sarah A. Thornton

CLERK

(By) DEPUTY CLERK

9/29/05

DATE

U.S. Department of Justice
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF <i>Richard Clawson</i>	COURT CASE NUMBER <i>104-CV-12199-MLW</i>
DEFENDANT <i>Robert Keaton Jr. Attorney General</i>	TYPE OF PROCESS <i>Civil Service</i>

SERVE ➡ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <i>45 Shawmut Ave. Canton, MA 02021-380</i>

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:	
<div style="border: 1px solid black; padding: 5px;"> <i>Richard Clawson</i> <i>no Administrative</i> <i>Bridgewater, MA 02021-380</i> </div>	Number of process to be served with this Form - 285 <i>1</i>
	Number of parties to be served in this case <i>4</i>
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Work Address) Norfolk County Attorney General

Signature of Attorney or other Originator requesting service on behalf of:

Richard Clawson
☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

*10/31/05***SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <i>1</i>	District of Origin No. <i>38</i>	District to Serve No. <i>38</i>	Signature of Authorized USMS Deputy or Clerk <i>Nancy J. Delaney</i>	Date <i>10/31/05</i>
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	
Date of Service <i>10/31</i>	Time <i>7</i> am <i>pm</i>
Signature of U.S. Marshal or Deputy <i>[Signature]</i>	

Service Fee <i>67.50</i>	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges <i>167.50</i>	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

Process served on Mr. Robert Keaton Jr. at his home address, 45 Shawmut Ave., Canton, MA 02021-380, on 10/31/05. He was not home. I left a message for him to call me at 781-326-1111. I will attempt to locate him again.

NOTE

UNITED STATES DISTRICT COURT

District of Massachusetts

Richard D. Glawson,
Plaintiff,

SUMMONS IN A CIVIL CASE

V.

Robert Keaton, et al.,
Defendants

CASE NUMBER: C.A. No. 04-12199-MLW

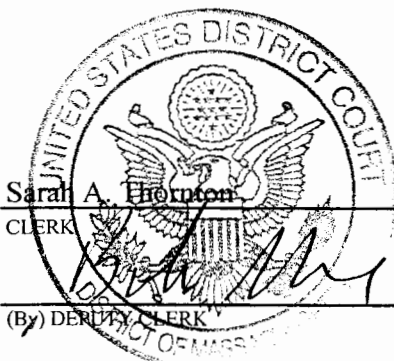
TO: (Name and address of Defendant)

Robert Keaton
45 Shannut Ave.
Canton, MA 02021

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Richard D. Glawson, pro se
20 Administration Road
Bridgewater, MA 02324

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.



9/29/05

DATE